

BOARD PROCEEDINGS
March 5, 2013
REGULAR MARCH SESSION

The Board of Supervisors met pursuant to adjournment. Present were: Jack Plathe, Chairman, Don Besch, and Roger Tjarks Absent: Don McGregor and Pam Wymore. McGregor was present at 8:50 a.m.

Public Discussion was held.

Motion by Tjarks and 2nd by Besch to approve the agenda and the minutes of the previous meeting dated March 1, 2013. Motion carried.

Public Hearing
Gravel Pit Reversion
Section 23 Prairie Township

Motion by Besch and 2nd by Tjarks to open the public hearing for discussion on the conveyance of the county's interest in real property located in the Northwest quarter of the Northwest quarter of section 23 of Prairie Township to Richard G. Ludwig and William H. Ludwig, AND the West half of the Northeast quarter of the Northwest quarter of section 23 of Prairie Township to David L. Ludwig. Chairman Plathe called for a roll call vote: Besch: yes, McGregor: ABSENT, Tjarks: yes, Wymore: ABSENT, Plathe: yes

There were no comments received from the public.

Motion by Besch and 2nd by Tjarks to end discussion and close the public hearing for discussion on the conveyance of the county's interest in real property located in the Northwest quarter of the Northwest quarter of section 23 of Prairie Township to Richard G. Ludwig and William H. Ludwig, AND the West half of the Northeast quarter of the Northwest quarter of section 23 of Prairie Township to David L. Ludwig. Chairman Plathe called for a roll call vote: Besch: yes, McGregor: ABSENT, Tjarks: yes, Wymore: ABSENT, Plathe: yes

Motion by Tjarks and 2nd by Besch to approve Resolution #03-05-13-01 which approves the gravel pit reversion in Section 23 of Prairie Township to David L. Ludwig. Chairman Plathe called for a roll call vote: Besch: yes, McGregor: ABSENT, Tjarks: yes, Wymore: ABSENT, Plathe: yes

RESOLUTION 03-05-13-01

WHEREAS, Kossuth County was deeded a tract of land, described in Book 73 L.D. Page 26, on January 6th, 1930 hereinafter referred to as Tract I and,

WHEREAS, Kossuth County was deeded a tract of land, described in Book 73 L.D. Page 117, on April 11th, 1930 hereinafter referred to as Tract II and,

WHEREAS, Kossuth County's deed to Tract I AND Tract II contains a reversion clause stating that Kossuth County shall have use of Tract I AND Tract II until said gravel and road material is exhausted then and in that event the title to said premises shall revert to the original subdivision from whence it was taken, and,

WHEREAS, all suitable road materials have been exhausted from Tract I AND Tract II and,

WHEREAS, it is in the best interest of Kossuth County to clear its right, title, interest, claim and demand to Tract I AND Tract II and,

WHEREAS, Kossuth County is required by Iowa Code 331.361 to conduct a public hearing when disposing of an interest in real property by sale or exchange and,

WHEREAS, notice of the time and place of the public hearing on the proposal to transfer ownership for Tract I AND Tract II has been published according to Iowa law and,

WHEREAS, The Kossuth County Board of Supervisors has held a public hearing regarding the proposed transfer of ownership.

NOW THEREFORE BE IT RESOLVED that Kossuth County Quit Claim all its title, interest, claim and demand for the following described real estate located in Kossuth County, Iowa:

A tract of land previously described in Book 73 L.D. Page 26, more particularly described as follows:

All that part of the Northwest One Quarter (NW¼) of the Northwest One Quarter (NW¼) of Section Twenty three (23), in Township Ninety five (95) North, of Range Twenty seven (27) West of the 5th P.M., bounded and described as follows; Beginning at a point eight hundred seventy nine and eight tenths (879.8') feet East and Four hundred eighty four and eight tenths (484.8') feet south of the Northwest corner of said Section twenty three (23); thence south one hundred nine and five tenths (109.5') feet; thence south twenty five degrees twenty minutes East (S 25°20'E) a distance of Three hundred forty two and one tenth (342.1') feet; thence North eighty nine degrees east (N89°E) a distance of three hundred twenty four (324.0') feet; thence North one degree West (N1°W) a distance of three hundred twenty six and eight tenths (326.8') feet; thence North seventy nine degrees thirty minutes west (N79°30'W) a distance of Four hundred seventy two and one tenth (472.1') feet to the point of beginning. Containing 3.48 acres.

AND

Two tracts of land previously described in Book 73 L.D. Page 117, more particularly described as follows:

All that part of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section Twenty three (23) in Township Ninety five (95) North of Range Twenty seven (27) West of the 5 P.M., bounded and described as follows; Beginning at a point thirteen hundred thirty three and two tenths (1333.2') feet East and thirty three (33') feet south of the Northwest corner of said Section twenty three (23); thence south two hundred eight (208') feet; thence east two hundred eight (208') feet; thence north two hundred eight (208') feet; thence west two hundred eight (208') feet to the point of beginning. Containing one (1) acre.

Also beginning at a point thirteen hundred thirty three and two tenths (1333.2') feet east and five hundred seventy and six tenths (570.6') feet south of the northwest corner of said section twenty three (23); thence south three hundred twenty six and eight tenths (326.8') feet; thence east two hundred fifty and five tenths (250.5') feet; thence north two hundred seventy three and eight tenths (273.8') one and two tenths (261.2') feet to the point of beginning. Containing 1.73 acres.

And further authorize the Chairperson of the Kossuth County Board of Supervisors to sign a Quit Claim Deed to Tract I owners Richard G. Ludwig and William H. Ludwig, AND Tract II owner David L. Ludwig for the previously described real estate.

Dated this 5th day of March, 2013.

Jack Plathe, Chairperson
Kossuth County Board of Supervisors

Amber Garman
Kossuth County Auditor

Don McGregor is now present at the meeting.

Motion by Tjarks and 2nd by Plathe that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to Iowa Health System, and its Subsidiary, Broadband, Inc. to bury fiber optic cable in the road right of way. Work will involve boring and plowing in the south right of way of 150th Street beginning from Highway 169 going east 1 mile, continuing 5 miles south in the west right of way of 150th Street beginning from Highway 169 going east 1 mile, continuing 5 miles south in the west right of way of 130th Avenue boring 100th Street and continuing work into Humboldt County. Work will be in Section 12 Riverdale Township and Sections 12,13,24,25 and 36, Riverdale Township. Permit number 03-05-2013 is on file in the Kossuth County Engineer's Office. Motion carried.

Motion by McGregor and 2nd by Besch that the Board of Supervisors of Kossuth County, Iowa, does hereby authorize and give its permission to HickoryTech, Mankato, MN, to do removal, maintenance and new phone work in the road right of way. Work will begin in the west right of way of 160th Avenue going southeast crossing 160th Avenue, and installing a new pedestal with stub pole in the south right of way of 350th Street, then continuing east 1,700' and removing existing pedestal and installing new pedestal in south right of way on 350th Street. There will also be work in the east right of

way of 160th Avenue removing cable. All work will be in Section 28 and 34 Ramsey Township. Permit number 03-04-2013 is on file in the Kossuth County Engineer's Office. Motion carried.

Motion by Besch and 2nd by McGregor to approve the appointment of Steve Anderson as Weed Commissioner and authorize Chairman to sign the Letter of Appointment. Motion carried.

Motion by Tjarks and 2nd by McGregor to accept the amendments made to four resolutions approved on February 26, 2013 for the Construction Permit Applications for Tietz Site #1, #2, #3 and #4. Motion carried.

**Recommendation to Iowa DNR to Approve the Application Permit for Construction
of an Animal Confinement Feeding Operation
Resolution # 02-26-13-01 **Amended****

WHEREAS, the Kossuth County Board of Supervisors has adopted the Master Matrix for the purpose of scoring construction applications to provide an opportunity for local input and

WHEREAS, The Master Matrix Delegate, Steve Anderson has informed the Kossuth County Board of Supervisors that he scored this matrix identically to the applicant and this site has met the requirements of the Master Matrix. His score is based on the Master Matrix filed in the Kossuth County Auditor's Office on February 22, 2013.

WHEREAS, the Kossuth County Board of Supervisors has **approved** the Master Matrix submitted on February 22, 2013. The score of this facility is 460 points.

NOW THEREFORE BE IT RESOLVED, that the Kossuth County Board of Supervisors Hereby recommends to the Iowa Department of Natural Resources **disapproval** of the construction permit application for Darren Tietz and Jason Fuecht (Tietz Site #1) in the NW NW of Section 4 of Sherman Township due to separation distances not being verified, sinkhole and impaired waters of the Des Moines River.

Public Comments were received. See attached.

Passed and Approved this 26th day of February, 2013. **Amended March 5, 2013.**

Chairman, Jack Plathe
Kossuth County Board of Supervisors

Attest:

Amber Garman, Auditor
Kossuth County

**Recommendation to Iowa DNR to Approve the Application Permit for Construction
of an Animal Confinement Feeding Operation
Resolution #02-26-13-02 **Amended****

WHEREAS, the Kossuth County Board of Supervisors has adopted the Master Matrix for the purpose of scoring construction applications to provide an opportunity for local input and

WHEREAS, The Master Matrix Delegate, Steve Anderson has informed the Kossuth County Board of Supervisors that this site **has not** met the requirements of the Master Matrix as presented in the construction permit application. He scored this facility at 425. The score on the application was 445. The difference is in #1 due to 16 feet separation distance being beyond the accuracy of GIS.

WHEREAS, the Kossuth County Board of Supervisors has **disapproved** the Master Matrix scoring of this facility due to them not meeting minimum requirements.

NOW THEREFORE BE IT RESOLVED, that the Kossuth County Board of Supervisors Hereby recommends to the Iowa Department of Natural Resources **disapproval** of the construction permit application for Darren Tietz and Jason Fuecht (Tietz Site #2) in the NW NE of Section 4 of Sherman Township.

Public Comments were received. See attached.

Passed and Approved this 26th day of February, 2013. Amended March 5, 2013.

Chairman, Jack Plathe
Kossuth County Board of Supervisors

Attest:

Amber Garman, Auditor
Kossuth County

**Recommendation to Iowa DNR to Approve the Application Permit for Construction
of an Animal Confinement Feeding Operation
Resolution #02-26-13-03 **Amended****

WHEREAS, the Kossuth County Board of Supervisors has adopted the Master Matrix for the purpose of scoring construction applications to provide an opportunity for local input and

WHEREAS, The Master Matrix Delegate, Steve Anderson has informed the Kossuth County Board of Supervisors that he scored this matrix identically to the applicant and this site has met the requirements of the Master Matrix as presented in the construction permit application.

WHEREAS, the Kossuth County Board of Supervisors has **approved** the Master Matrix scoring of this facility. The score of this facility is 445.

NOW THEREFORE BE IT RESOLVED, that the Kossuth County Board of Supervisors Hereby recommends to the Iowa Department of Natural Resources **disapproval** of the construction permit application for Darren Tietz and Jason Fuecht (Tietz Site #3) in the NW NW of Section 3 of Sherman Township due to separation distances not being verified, sinkhole and impaired waters of the Des Moines River.

Public Comments were received. See attached. Amended March 5, 2013.

Passed and Approved this 26th day of February, 2013.

Chairman, Jack Plathe
Kossuth County Board of Supervisors

Attest:

Amber Garman, Auditor
Kossuth County

**Recommendation to Iowa DNR to Approve the Application Permit for Construction
of an Animal Confinement Feeding Operation
Resolution #02-26-13-04 **Amended****

WHEREAS, the Kossuth County Board of Supervisors has adopted the Master Matrix for the purpose of scoring construction applications to provide an opportunity for local input and

WHEREAS, The Master Matrix Delegate, Steve Anderson has informed the Kossuth County Board of Supervisors that he scored this matrix identically to the applicant and this site has met the requirements of the Master Matrix as presented in the construction permit application.

WHEREAS, the Kossuth County Board of Supervisors has **approved** the Master Matrix scoring of this facility. The score of this facility is 440 points.

NOW THEREFORE BE IT RESOLVED, that the Kossuth County Board of Supervisors Hereby recommends to the Iowa Department of Natural Resources **disapproval** of the construction permit application for Darren Tietz and Jason Fuecht (Tietz Site #4) in the NE NE of Section 3 of Sherman Township due to separation distances not being verified and impaired waters of the Des Moines River.

Public Comments were received. See attached.

Passed and Approved this 26th day of February, 2013. Amended March 5, 2013.

Chairman, Jack Plathe
Kossuth County Board of Supervisors

Attest:

Amber Garman, Auditor
Kossuth County

Drainage was held followed by a Bid Letting for J.D.D. PAK #1 Lateral M Tile Repairs and discussion with Kossuth County Auditor and Board Discussion and Committee Reports.

On motion adjournment was taken until March 12 , 2013.

Attest:

Amber Garman
Kossuth County Auditor

Jack Plathe, Chairman
Kossuth County Board of Supervisors